

PROHIBITING THE EMPLOYMENT OF CHILDREN UNDER FIFTEEN YEARS OF AGE IN CERTAIN OCCUPATIONS.

H. B. No. 161.]

CHAPTER 42.

An Act prohibiting the employment of children under fifteen years of age to labor in certain occupations, prohibiting the employment of children under seventeen years of age to labor in certain occupations, prohibiting the sending of children under seventeen years of age to certain places, limiting the hours of labor for children under fifteen years of age, providing for permits to be issued by the county judge for children between the ages of twelve and fifteen years to labor in certain occupations and under certain conditions, requiring employers employing children between the ages of twelve and fifteen to secure and post permits where child is employed, providing how such permits may be secured, giving the Commissioner of Labor Statistics, or his deputies or inspectors free access to all places where children or minors are employed, providing penalties for violations of the Act and repealing all laws and parts of laws in conflict with the Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Any person, or any agent or employe of any person, firm or corporation who shall hereafter employ any child under the age of fifteen (15) years to labor in or about any factory, mill, workshop, laundry, or in messenger service in towns and cities of more than fifteen thousand population, according to the Federal census, except as hereinafter provided, shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) or by imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment. Provided that nothing in this Act shall be construed as affecting the employment of children on farms, ranches, dairies or other agricultural or stockraising pursuits.

SEC. 2. Any person, or agent, or employee of any person, firm or corporation who shall hereafter employ any child under the age of seventeen (17) years to labor in any mine, quarry or place where explosives are used, or who, having control or employment of such child, shall send or cause to be sent, or who shall permit any person, firm or corporation, their agents or employees to send any such child under the age of seventeen (17) years to any disorderly house, bawdy house, assignation house or place of amusement conducted for immoral purposes, the character or reputation of which could have been ascertained upon reasonable inquiry on the part of such person, firm or corporation having the control of such child shall be deemed guilty of a misdemeanor, and shall upon conviction in any court of competent jurisdiction shall be punished by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment.

SEC. 3. It shall be the duty of every person, firm or corporation, their agents or employees, having in their employ or under their control, any child under the age of seventeen (17) years, doing a messenger or deliver business, or whose employees may be required to deliver any message, package, merchandise or other thing, before sending any such child on such errand, to first ascertain if such child is being sent or is to be sent to any place prohibited in Section 2 of this Act. Failure or refusal to comply with this section shall subject any person, firm or corporation, their agents or employees, having the control of such child or children to the penalties provided in Section 2 of this Act.

SEC. 4. Any person, firm or corporation, their agents or employees, having in their employ or under their control any child under the age of fifteen (15) years who shall require or permit any such child to work or be on duty for more than eight (8) hours in any one calendar day, or for more than forty-eight hours in any one week, or who shall cause or permit such child to work between the hours of ten (10) P. M., and five (5) A. M., shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than two hundred (\$200.00) dollars, or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment. Provided that nothing herein or in any other section of this Act shall apply to employment of children for farm labor, or to hours which children may work on farms.

SEC. 5. Upon application being made to the county judge of any county in which any child over the age of twelve (12) years shall reside, the earnings of which child are necessary for the support of itself, its mother when widowed, or in needy circumstances, or invalid father, or of other children younger than the child for whom the permit is sought, the said county judge may upon the sworn statement of such child or its parents or guardian, that the child for whom the permit is sought is over twelve (12) years of age, that the said child has completed the fifth grade in a public school or its equivalent, and that it shall not be employed in or around any mill, factory, workshop, or other place where dangerous machinery is used, nor in any mine, quarry or other place where explosives are used, or where the moral or physical condition of the child is liable to be injured, and that the earnings of such child are necessary for the support of such invalid parent, widowed mother or mother in needy circumstances, or of younger children, and that such support cannot be obtained in any other manner, and that suitable employment has been obtained for such child, which sworn statement shall be accompanied by the certificate of a licensed physician showing that such child is physically able to perform the work or labor for which the permit is sought, issue a permit for such child to enter such employment. Every person, firm or corporation employing any such child between the ages of twelve (12) years and fifteen (15) years shall post in a conspicuous place

where such child is employed, the permit issued by the county judge; provided that no permit shall be issued for a longer period than twelve (12) months, but may be renewed from time to time upon satisfactory evidence being produced that the conditions under which the former permit was issued still exists, and that no physical or moral injury has resulted to such child by reason of its employment. In every case where a permit is sought for any child between the ages of twelve (12) years and fifteen (15) years, the parent, guardian or other person in charge or control of such child shall appear before the county judge in person with such child for whom a permit is sought before such permit shall be issued. There shall be nothing in this Act to prevent the working of school children of any age from June 1 to September 1 of each year except that they shall not be permitted to work in factory, mill, workshop, and the places mentioned in Sections 2 and 5 of this Act; nor shall their hours of labor conflict with Section 4 of this Act.

SEC. 6. The Commissioner of Labor Statistics, or any of his deputies or inspectors shall have free access during working hours to all places where children or minors are employed, and any owner, manager, superintendent, foreman or other person in authority, who shall refuse to admit, or in any way hinder or defer the said commissioner or any of his deputies or inspectors from entering or remaining in such place, or from collecting information with respect to the employment of children as provided in this Act, shall be deemed guilty of a misdemeanor and upon conviction in any court of competent jurisdiction shall be punished by a fine of not less than twenty-five (\$25.00) dollars; nor more than one hundred (\$100.00) dollars; provided that nothing herein shall apply to those engaged in agricultural pursuits.

SEC. 7. Provided that nothing in this Act shall be construed as prohibiting the employment by any person of nurses, maids, yard-servants, or others for private homes and families, regardless of their ages.

SEC. 8. All laws or parts of laws in conflict herewith are hereby repealed.

SEC. 9. If any of the provisions of this Act shall be declared by proper judicial action to be unconstitutional, that fact shall not operate to invalidate other provisions of the bill.

SEC. 10. The fact that the present law governing the employment of children is inadequate in this State, prescribing the occupations that children under certain ages may follow, defining the ages under which said children shall not be employed in certain occupation, and limiting the hours of service of said children, creates an emergency, and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

[NOTE.—The enrolled bill shows that the foregoing Act passed the House, no vote given; passed the Senate, no vote given.

Approved March 7, 1925.

Effective ninety (90) days after adjournment.